

REMARKS

Claims 1-14, 16-26, 28-42 and 44-47 are pending in the captioned application.

Claims 15, 27 and 43 are canceled.

In the outstanding Official Action, claims 1-47 are subjected to a restriction requirement.

I. Restriction Requirement

The Examiner has required restriction of claims 1-47 to one of the following inventions under 35 U.S.C. §121 and 372:

Group I: Claims 1-15, 17-34 and 39-45, drawn to a pharmaceutical composition, a pharmaceutical product, and a kit, comprising a first active ingredient, which is selected from a PDE4 inhibitor, a PDE3/4 inhibitor and their pharmaceutically acceptable derivatives, and a second active ingredient, which is selected from a histamine receptor antagonist and its pharmaceutically acceptable derivatives.

Group II: Claims 15, 16, 27 and 43, drawn to a process for the preparation of a pharmaceutical composition which comprises mixing the first active ingredient with the second active ingredient.

Group III: Claims 15, 27, 35-38, 43, 46 and 47, drawn to a method for the treatment of a respiratory disease comprising administering to a patient in need thereof (a) an effective amount of a PDE4 inhibitor, a PDE3/4 inhibitor or a pharmaceutically acceptable derivative thereof and (b) an effective amount of a histamine receptor antagonist or a pharmaceutically acceptable derivative thereof.

Further, the Examiner has required that Applicants elect a single disclosed first active ingredient, a single disclosed second active ingredient and a single disclosed

respiratory disease. The election must include:

- a) The name and structure of one species of the instantly claimed compound,
- b) The location of the species (a) within the claims or (b) within the specification, and
- c) The claims that read on the elected species.

II. Election

Applicants respectfully direct the Examiner's attention to the Preliminary Amendment filed on September 3, 2004. In that Preliminary Amendment claims 15, 27 and 43 were canceled. Therefore, the restriction as it applies to those claims is rendered moot.

Applicants hereby elect ***claims 1-14, 17-26, 28-34, 39-42 and 44-45 of Group I***, without traverse.

Applicants further elect ***roflumilast*** as the first active ingredient, ***cetirizine*** as the second active ingredient and ***allergic, seasonal or perennial rhinitis*** as the respiratory disease. Roflumilast and cetirizine are recited in claim 7 on page 2 of Appendix A of the Preliminary Amendment filed September 3, 2004 at line 20 and on page 4 of Appendix A of the Preliminary Amendment filed September 3, 2004 at line 13. The elected respiratory disease is recited in the specification at page 55 in the third paragraph. Claims 1-9, 11, 17-21, 23, 28-30, 32, 41, 42 and 45 read on the elected species.

Applicants reserve the right to file a divisional application directed to the non-elected subject matter.

CONCLUSION

Having made the required election, examination on the merits is earnestly solicited. Should the Examiner deem that any further action by Applicants' undersigned representative is desirable and/or necessary, the Examiner is invited to telephone the undersigned at the number set forth below.

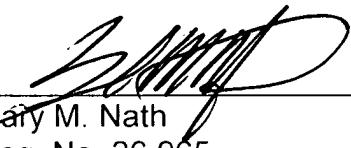
In the event this paper is not timely filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 14-0112.

Respectfully submitted,

THE NATH LAW GROUP

Date: January 21, 2010
THE NATH LAW GROUP
112 S. West Street
Alexandria, VA 22314

Tel: (703) 548-6284
Fax: (703) 683-8396



Gary M. Nath
Reg. No. 26,965
Sheldon M. McGee
Reg. No. 50,454
Customer No. 34375